railroad tickets, and had been sentenced to 15 days' imprisonment for contempt. Appellant relied on the statute, and expressed the fear that unless the statute were recognized as constitutional the courts could exercise their power to punish for contempt in an arbitrary and oppressive manner. The Missouri Supreme Court held that as the court was created by the Constitution, and had inherent power to punish for contempt, allowing the Legislature to regulate this power would be permitting the legislative body to exercise functions properly belonging to the judicial. Three judges dissented.

Excessive Advertisement of Delinquent Taxes as Libel.—The statutory duty of a tax collector was to post advertisements of overdue taxes in two or more public places within his town. The collector in Hutchins *v.* Page, 72 Atlantic Reporter, 689, actuated either by zeal extraordinary or malice deplorable, advertised the fact of Hutchins' delinquency, not only by posting it, but through two newspapers. For this latter act suit was brought against him for libel. The New Hampshire Supreme Court rules that, while it was the defendant's duty to publish the fact that the plaintiff had failed to pay the taxes assessed against him by "posting advertisements thereof in two or more public places in the town," it was not his duty to otherwise publish the fact unless he thought such publication was essential to the success of the tax sale. If he did not so believe, but, on the contrary, used this occasion to maliciously proclaim in a public manner that the plaintiff had not paid his taxes, there is neither legal nor ethical reason why an action should not lie for the damage caused by the malicious and unwarranted act. The clause of the statute providing that the collector would be liable only for his own official misconduct would not exonerate him from liability, as this conduct was "his own."

Regulation of Sale of Intoxicating Liquors.—A municipality, by its stringent restrictions upon the sale of "near beer," made the ordinance passed for that purpose obnoxious to some of its citizens, one of whom had been convicted of its violation, in Campbell *v.* City of Thomasville, 64 Southeastern Reporter, 815. The Georgia Court of Appeals, sustaining the ordinance, remarked that the very name "near beer" is as suggestive to the guardian of the police power of a necessity for close oversight, regulation, and control as it is to the drinking classes of possibilities which they may hope to find in the beverage. A liquor that is "near beer," looks like beer, smells like beer, tastes somewhat like beer, capable of cheering, though not of inebriating, well deserves the attention of those whose duty it is to protect the health, peace, and good order of the community.

Constitutionality of Building Regulations.—The act classifying

Boston into commercial and residential sections, and limiting the height of buildings in the former to 125 feet and in the latter to from 80 to 100 feet, was considered in Welch *v.* Swasey, 29 Supreme Court Reporter, 567. Plaintiff, applying for permission to erect a building in the residential district, claimed that the statute unduly and reasonably infringed on his constitutional rights as to taking his property without compensation and as to denial of equal protection of the laws. The highest state court upheld the legislation as passed in the exercise of the police power. In passing on the questions as to the validity and reasonableness of the discrimination or classification in relation to the height of buildings, the matter of locality became of utmost importance. The United States Supreme Court declined to hold the limitation of 80 to 100 feet in the residential district a discrimination or classification so unreasonable that it deprived the owner of his property and of its profitable use without justification, and refused him compensation for such alleged invasion of his rights.

Vicious Propensity of Boar.—In Johnston *v.* Mack Mfg. Co., 64 Southeastern Reporter, 841, it appeared that a large boar belonging to defendant had gone upon the unfenced premises of plaintiff, and had endeavored to break through a fence inclosing his hogs. The attempts of plaintiff to expel the intruder resulted in a conflict, in which he was lacerated and seriously injured by the visiting swine. There was no law compelling the confinement of hogs, nor was there convincing evidence of prior pugnacity of the animal. Plaintiff introduced expert testimony to the effect that boars the age of the one in question become vicious and are likely to attack men and animals. Because of the introduction of this evidence defendant was granted a new trial, the West Virginia Supreme Court of Appeals holding that, as the habits and propensities of domestic animals were matters of common knowledge to all men, there was no reason for expert testimony to prove the general propensity of a hog, especially as this was the first recorded case wherein a hog had savagely bitten and injured a man or departed from his usual demeanor of meekness and serenity.

Patent of Invention—Manufacture of Patented Article Carried on Principally Out of United Kingdom—Failure to Manufacture Adequately in United Kingdom—Patent and Designs Act, 1907 (7 Edw. VII, c, 29), ss. 24, 27—(R.S.C. c. 69, ss. 38, 39).—In re Bremer (1909) 2 Ch. 217, was an application to revoke a patent of invention, for non-manufacture of the patented article in the United Kingdom. The application was made under the provisions of the Act of 1907, 7 Edw. VII, c. 29 (see R.S.C. c. 69, ss. 38, 39). Two patents held by different parties for the manufacture of arc lights were in question and the